

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

Hearing Date: February 4, 2020
Hearing Time: 10:00 a.m.
Hearing Location: Syracuse, NY

In re:

**MARY ELLEN GALLUP,
CHRISTOPHER GALLUP**

Debtors.

Chapter 13
Case No. **18-31466**

NOTICE AND MOTION TO DISMISS

NOTICE IS HEREBY GIVEN that this motion will be heard as follows:

DATE: February 4, 2020 **TIME: 10:00 a.m.**
PLACE: U.S. Federal Building & Courthouse, Second Floor Courtroom,
100 S. Clinton Street, Syracuse, New York 13261

Pursuant to 11 U.S.C. § 1307(c)(6), Mark W. Swimelar, the Chapter 13 Trustee, will move for an Order dismissing the above-captioned matter for material default by the debtor with respect to a term of a confirmed plan:

- 1) The plan was confirmed by Order dated 11/21/2019. The current payment is \$1080.00. The term of the plan is 60 months.
- 2) The Debtors are 3.86 months, **\$4,163.85**, in arrears through December 2019. The last payment was received on September 23, 2019.

WHEREFORE, the Trustee respectfully requests that the motion to dismiss be granted, and such further relief as the Court deems appropriate.

IF YOU INTEND TO OPPOSE THIS MOTION, WRITTEN OPPOSITION MUST BE FILED WITH THE CLERK OF THE COURT AND SERVED ON MOVANT'S COUNSEL AT LEAST SEVEN (7) DAYS PRIOR TO THE RETURN DATE. IF YOU DO NOT FILE AND SERVE WRITTEN OPPOSITION, NO HEARING WILL BE HELD ON THE RETURN DATE AND THE COURT MAY GRANT THE MOTION AS UNOPPOSED.

Dated: Syracuse, New York
January 10, 2020

Mark W. Swimelar, Chapter 13 Trustee

BY: /s/ Lynn Harper Wilson
Lynn Harper Wilson, Staff Attorney
Bar Roll No. 509576
250 S. Clinton Street, Suite 203
Syracuse, New York 13202
(315) 471-1499
Email: lhwillson@cnytrustee.com

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CERTIFICATE OF SERVICE

Amy E. Militi certifies that she is, and at all times hereinafter mentioned was, an employee in the office of the Standing Chapter 13 Trustee and over the age of 18 years;

That on January 10, 2020 she served the within Notice and Motion to Dismiss on the below named at the address listed below, by depositing a true copy of same enclosed in a post-paid, properly addressed wrapper under the exclusive custody of the United States Post Office Department in an official depository within the State of New York:

MARY ELLEN and CHRISTOPHER GALLUP
113 NICKS WAY
SYRACUSE, NY 13209-1165

And she hereby certifies that she electronically filed the foregoing with the Clerk of the Bankruptcy Court using CM/ECF system which sent notification of such filing to the following:

WILLIAM K. HARRINGTON, UNITED STATES TRUSTEE

RUSSELL WARREN DOMBROW ESQ

/s/ Amy E. Militi

Amy E. Militi